

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:

CILFREDO GARCES JR (xxx-xx-4668)
TRACIE MARIE GARCES (xxx-xx-0465)
120 PRIVATE RD 3387
PARADISE, TX 76073

Debtors

Case No. 16-44770-MXM

Pre-Hearing Conference: 8/31/2018 8:30 AM

CHAPTER 13

**NOTICE TO DEEM MORTGAGE CURRENT OR, ALTERNATIVELY, NOTICE OF AMOUNT DEEMED
NECESSARY TO CURE (INCLUDING NOTICE OF HEARING)
(Mid Case Mortgage Notice per Local Bankruptcy Rule 3002.1-1)**

RESPONSE REQUIRED BY CREDITOR

RE: BSI FINANCIAL SERVICES, Court Claim No. 8, Account No. 4172, Property: 120 PR 3387

TO ALL PARTIES IN INTEREST

PURSUANT TO LOCAL RULE 3002.1-1, THE CHAPTER 13 TRUSTEE, PAM BASSEL, FILES THIS NOTICE TO DEEM MORTGAGE CURRENT OR, ALTERNATIVELY, NOTICE OF AMOUNT DEEMED NECESSARY TO CURE ("MORTGAGE NOTICE").

A SCHEDULING ORDER WILL BE SERVED BY THE BANKRUPTCY CLERK WHICH WILL ESTABLISH SPECIFIC, IMPORTANT, AND MANDATORY DATES AND DEADLINES CONCERNING THIS MORTGAGE NOTICE, AS WELL AS OTHER REQUIREMENTS ("SCHEDULING ORDER"). IF THERE IS ANY CONFLICT BETWEEN THE SCHEDULING ORDER AND THIS MORTGAGE NOTICE, THE SCHEDULING ORDER WILL CONTROL.

PURSUANT TO LOCAL BANKRUPTCY RULE 3002.1-1, ON OR BEFORE SIXTY (60) DAYS FROM THE DATE OF SERVICE OF THIS MORTGAGE NOTICE, THE HOLDER OF A CLAIM COVERED BY THIS MORTGAGE NOTICE SHALL FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT AT 128 U.S. COURTHOUSE, 10TH & LAMAR ST., ROOM 147, FORT WORTH, TEXAS, 76102 & SHALL SERVE THE RESPONSE ON THE DEBTORS, DEBTORS' ATTORNEY AND THE TRUSTEE AND ANY OTHER PARTY IN INTEREST. THE RESPONSE SHALL INDICATE WHETHER THE HOLDER DISPUTES THE INFORMATION CONTAINED IN THIS MORTGAGE NOTICE. THE RESPONSE SHALL ALSO ITEMIZE ANY CURE AMOUNTS OR POST-PETITION ARREARAGES THAT THE HOLDER CONTENDS EXIST ON THE DATE OF THE RESPONSE. THE DEBTORS MAY FILE A REPLY WITHIN NINETY (90) DAYS FROM THE DATE OF THE FILING OF THIS MORTGAGE NOTICE.

PURSUANT TO LOCAL BANKRUPTCY RULE 3002.1-1, THE COURT SHALL, AFTER NOTICE AND HEARING, DETERMINE WHETHER OR NOT THE DEBTORS ARE CURRENT ON ALL REQUIRED POST-PETITION AMOUNTS. IF THE HOLDER OF A CLAIM FAILS TO RESPOND AND/OR THE DEBTORS FAIL TO REPLY, THE COURT MAY MAKE THIS DETERMINATION BY DEFAULT. AN ORDER SHALL BE ISSUED REFLECTING ANY DETERMINATION BY THE COURT.

IF A RESPONSE AND/OR REPLY IS TIMELY FILED, A HEARING ON THIS MORTGAGE NOTICE SHALL BE DEEMED REQUESTED. THE PRE-HEARING CONFERENCE SHALL BE HELD AT 8:30 AM ON August 31, 2018 AT 7001 BLVD 26, SUITE 150, NORTH RICHLAND HILLS, TEXAS, 76180. UNLESS THIS MATTER IS RESOLVED BY THE TIME OF THE PRE-HEARING CONFERENCE, A HEARING BEFORE THE COURT ON THIS MORTGAGE NOTICE SHALL BE SET FOR 8:30 AM, ON September 20, 2018 AT THE U.S. BANKRUPTCY COURT, 501 W 10TH STREET, RM 128, FORT WORTH, TEXAS.

THE ENTRY OF ANY ORDER BY THE COURT ON THIS MORTGAGE NOTICE, WHETHER BY DEFAULT OR OTHERWISE, SHALL PRECLUDE THE HOLDER OF THE CLAIM AND THE DEBTORS FROM CONTESTING THE AMOUNTS SET FORTH IN THE ORDER IN ANY CONTESTED MATTER OR ADVERSARY PROCEEDING IN THIS CASE OR IN ANY OTHER MATTER, MANNER, OR FORUM AFTER A DISCHARGE IN THIS CASE, UNLESS THE COURT DETERMINES, AFTER NOTICE AND HEARING, THAT THE FAILURE TO RESPOND AND/OR REPLY WAS SUBSTANTIALLY JUSTIFIED OR IS HARMLESS.

PLAN DELINQUENCY

To the Trustee's knowledge, the Debtors have a current PLAN PAYMENT DELINQUENCY amount of \$2,202.00.

PRE-PETITION

SUMMARY OF PAYMENTS

BSI FINANCIAL SERVICES

Claim Type: Mortgage Pre Arrs - Pro Rata

Trustee Claim #1

Claim Amount: \$25,103.92

TOTAL DISBURSED	(Principal Paid + Interest Paid)	<u>Total Paid</u>	<u>Principal Amount Due:</u>
	<u>\$5,498.28 + \$0.00 =</u>	\$5,498.28	\$19,605.64

ONGOING MORTGAGE PAYMENT

SUMMARY OF PAYMENTS

BSI FINANCIAL SERVICES

Claim Type: Mortgage Ongoing

Trustee Claim #2

TOTAL DISBURSED	(Principal Paid + Interest Paid)	<u>Total Paid</u>
	<u>\$20,651.55 + \$0.00 =</u>	\$20,651.55

Payments made Mar 2017 through May 2018.

POST-PETITION

SUMMARY OF PAYMENTS

BSI FINANCIAL SERVICES

Claim Type: Mortgage Gap - Pro Rata

Trustee Claim #3

Claim Amount: \$2,753.54

TOTAL DISBURSED	(Principal Paid + Interest Paid)	<u>Total Paid</u>	<u>Principal Amount Due:</u>
	<u>\$2,753.54 + \$0.00 =</u>	\$2,753.54	\$0.00

MONTHLY ONGOING POST-PETITION MORTGAGE PAYMENTS

The **CURRENT MONTHLY ONGOING POST-PETITION MORTGAGE PAYMENT** is to be paid to the Mortgage Lender through disbursements by the Chapter 13 Trustee. Subject to Rule 3002.1(f)-(h), if the Conduit Debtors are current on Plan Payments to the Trustee or the payments due pursuant to any wage directive, the Mortgage Loan shall be deemed current post-petition.

IF A RESPONSE IS NOT FILED, THE DEBTORS' ONGOING POST-PETITION MORTGAGE PAYMENTS WILL BE DEEMED CURRENT.

Date: 05/15/2018

RESPECTFULLY SUBMITTED,

/s/ Pam Bassel
Pam Bassel, Trustee
State Bar No. 01344800
Office of the Standing Chapter 13 Trustee
7001 Blvd 26, Ste 150
North Richland Hills, TX 76180
Telephone: (817) 916-4710

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing was sent to all parties as listed below on May 15, 2018, either electronically or via U.S. First Class Mail.

BSI FINANCIAL SERVICES, PO BOX 679002, DALLAS, TX 75267-9002
BSI FINANCIAL, 1425 GREENWAY DR STE 400, IRVING, TX 75038
CILFREDO GARCES JR, TRACIE MARIE GARCES, 120 Private Rd 3387, Paradise, TX 76073
RUBIN and ASSOCIATES PC, 13601 PRESTON RD STE 500E, DALLAS, TX 75240